

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 12-2039 (FAB)

COMMONWEALTH OF PUERTO RICO, *et*
al.,

Defendants.

ORDER

As the Court continues its initial review of this important matter, a compelling issue which has been brought to the Court's attention is the lack of transparency and accountability by defendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau ("PRPB") with respect to the fiscal considerations of this Police Reform Case. (See Docket No. 992 at Attachment No. 9).

The annual budget for the Police Reform Case has been \$20,000,000 since the inception of the case in 2013. At recurring meetings between the parties for at least the past several years, the Monitor, the Special Master and the United States Department of Justice (DOJ) on behalf of Plaintiff United States of America, have repeatedly requested that monthly expense reports for reform-related budget allocations be provided by the defendants. (See Attachments Nos. 1 through 7).

Indeed, these requests by the Monitor and DOJ culminated in a direct order by this Court at a Status Conference on August 20, 2018 that the defendants would provide a monthly accounting of money allocated and money spent to the Monitor and DOJ. (See Docket No. 992.¹ That order has been largely ignored² by the defendants, despite the repeated requests by the Special Master, the Monitor and DOJ, particularly of late. See, Attachments Nos. 1 through 7.

That the defendants have not unilaterally initiated the practice of some periodic financial reporting is unfortunate, but the blatant failure to comply with the Court's August, 2018 order, in addition to the many requests by the Monitor, the Special Master and DOJ for monthly expenditure reports is completely unacceptable. It is largely that culture of belligerent and conspicuous resistance to good faith accountability and transparency that has put the defendants in the position in which they currently are.

¹ See Docket No. 992 (filed October 29, 2018), titled TRANSCRIPT OF PUBLIC HEARING HELD BEFORE THE HONORABLE CHIEF JUDGE GUSTAVO A. GELPÍ, JOSÉ V. TOLEDO U.S. COURTHOUSE, OLD SAN JUAN, PUERTO RICO, MONDAY, AUGUST 20, 2018, BEGINNING AT 2:17 P.M. beginning at page 14, at Attachment No. 9.

² The PRPB Reform Office did, however, generate a thorough monthly expenditure report on February 28, 2019. See, Attachment 8.

Accordingly, the Court orders as follows:

1. **No later than December 17, 2021**, the PRPB will produce to the Court, the Special Master, the Monitor, and DOJ, all documents in its possession which reflect in detail how the \$20,000,000 annual budget for the Police Reform Case was spent for the fiscal years 2018, 2019 and 2020. The Special Master will consolidate the review comments of the Monitor, the Special Master, and DOJ regarding the documents produced by PRPB, and will advise the Court of those collective responses, the adequacy of the PRPB document production, and whether additional steps should be taken with respect to this matter.

2. **Effective January 1, 2022**, the PRPB shall submit a monthly report to this Court, the Special Master, the Monitor, and DOJ, outlining in detail on what matters the allocated funds for the Police Reform Case have been spent for that month. The report by the PRPB Reform Office on February 28, 2019 referenced in note 2 and **Attachment 8** serves as a suitable model for the substance of the monthly expenditure reports. The reports will be due no later than the 15th of the month following the month to which the report is prepared.

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IT IS SO ORDERED.

San Juan, Puerto Rico, November 15, 2021.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE

ATTACHMENTS

Attachment No. 1: Email dated 10/21/2020 from DOJ with a proposed agenda for the October 2020 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 2: Email dated 06/18/2021 from DOJ with a proposed agenda for the June 2021 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 3: Email dated 07/26/2021 from DOJ with a proposed agenda for the July 2021 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 4: Email dated 08/31/2021 from the TCA/Monitor with a proposed agenda for the August 2021 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 5: Email dated 09/28/2021 from DOJ with a proposed agenda for the September 2021 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 6: Email dated 10/26/2021 from DOJ with a proposed agenda for the October 2021 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 7: Email dated 10/29/2021 from DOJ with commentary and reference documents regarding requests for monthly expense reports for reform-related budget allocations to be discussed at the October 2021 monthly meeting of all parties pursuant to paragraph 253 of the Reform Agreement.

Attachment No. 8: Monthly expenditure report submitted by the PRPB Reform Office on February 28, 2019, referenced in note 2 above.

Attachment No. 9: Docket No. 992 (filed October 29, 2018), titled TRANSCRIPT OF PUBLIC HEARING HELD BEFORE THE HONORABLE CHIEF JUDGE GUSTAVO A. GELPÍ, JOSÉ V. TOLEDO U.S. COURTHOUSE, OLD SAN JUAN, PUERTO RICO, MONDAY, AUGUST 20, 2018, BEGINNING AT 2:17 P.M.